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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/977,112

10/11/2001

Greg Mercurio

CISCP715

1734

54406 7590 04/09/2007

AKA CHAN LLP / CISCO
900 LAFAYETTE STREET
SUITE 710
SANTA CLARA, CA 95050

EXAMINER

CAI, WAYNE HUU

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/09/2007

-PAPER-

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/977,112

Applicant(s)

MERCURIO, GREG

Examiner

Wayne Cai

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

In view of the appeal brief filed on December 21, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6, and 17-29 are rejected under 35 U.S.C. 101 because of the following reasons:

Regarding claim 1, independent claim 1 recites **"a wireless transceiver device comprising:**

computer code for causing static input information to be accepted;

a memory;

computer code for causing a record to be generated; and

a processor for executing the computer codes."

It appears to the Examiner that claims 1-6 are neither "apparatus" nor "program". Therefore, claims 1-6 do not falls within one of the four enumerated categories of patentable subject matter recited in section 101 (i.e., process, machine, manufacture, or composition of matter).

Claims 2-6 depend either directly or indirectly on independent claim 1; therefore, they are also rejected for the same reasons set forth above.

Regarding claims 17-29, it appears to the Examiner that all the steps recited in the method claims merely perform the steps or instructions that are executed by the computer code or computer program. Since the software executes the set of instructions or steps recited; therefore, the process steps does not provide a transformation or reduction of an article to a different state or thing. Therefore, claims 17-29 are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Hannah et al. (hereinafter "Hannah", US 2003/0001776).

Regarding claim 24, Hannah discloses a method of configuring an access point comprising:

Positioning the access point at a desired location (paragraph 0014); determining an address of the desired location (paragraph 0014); and storing the address in a memory field, the memory field being associated with the access point (paragraph 0014 and 0018).

Regarding claim 25, Hannah discloses all limitations recited within claim as described above. Hannah also discloses wherein the address includes at least one of a longitude, a latitude, and an altitude of the desired location (paragraph 0014).

Regarding claim 26, Hannah discloses all limitations recited within claim as described above. Hannah also discloses wherein the address is determined using a global positioning system receiver (paragraph 0021).

Regarding claim 27, Hannah discloses all limitations recited within claim as described above. Hannah also discloses wherein the memory field is an editable field, and storing the address in the memory field includes inputting the address into the access point (paragraph 0014).

Regarding claim 28, Hannah discloses all limitations recited within claim as described above. Hannah also discloses wherein inputting the address into the access point includes providing the address to the memory field (paragraph 0014).

Claims 24-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Doner (US 6,405,127).

Regarding claims 24-28, Doner teaches or suggests the claimed features at column 3, lines 26-55, and fig. 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-17, and 19- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala (US 6,539,393) in view of Lewis (US 6,259,898).

Regarding claims 1, 7, 17, Kabala discloses a method for utilizing a transceiver device, the transceiver device being a wireless transceiver device, the transceiver device having a communications range, the method comprising:

receiving an indication that a roaming device is within the communication range (col. 5, lines 40-50 teaches or suggests the attendees view a produce and faces the product and transmissions from his badge on the name tag are received by the respective transceiver disposed proximal to that product.);

creating a record, the record being arranged to include information associated with the roaming device (fig. 5 and its descriptions teaches or suggests the record having information associated with the attendees.)

Kabala, however, does not specifically teach or suggest all other claim limitations.

In a similar endeavor, Lewis discloses multi-communication access point. Lewis also discloses:

receiving static information into an editable field stored in a memory (i.e., memory 34) associated with the transceiver device (i.e., access point 19), the static information being information pertaining to the transceiver device and storing the static information into the editable field (fig. 3, and its descriptions. Also, see col. 5, lines 9-25, and col. 6, lines 13-46);

adding the static information into the record and storing the record in the memory (fig. 3, and its descriptions):

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kabala in view of Lewis.

The motivation/suggestion for doing so would have been to effectively keep the record of the roaming device having access to the network.

Regarding claims 2, and 8, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala further discloses including computer code for obtaining the data, wherein the data is obtained when the roaming device is in communication with the wireless transceiver device (i.e., when an attendee carries a badge and approach to the particular transceiver located at the booth).

Regarding claims 3-4, and 9-10, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the computer code for causing the record associated with the roaming device to be generated includes computer code for causing the record associated with the roaming device to be generated when the roaming device registers/deregisters with the wireless transceiver device (col. 5, lines 1-29).

Regarding claim 11, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the input information is a location associated with the wireless transceiver device (i.e., the booth identification).

Regarding claim 12, Kabala and Lewis disclose all limitations recited within claims as described above. It is also obvious to one skilled in the art to include wherein the location includes at least one of a longitude, a latitude, and an altitude associated

with the transceiver device because it indicates the geographical location of the transceiver device.

Regarding claims 6, 13, and 22, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses the wireless transceiver device is an access point (i.e., the transceivers, fig. 1, element 151-162, and the first device is a roaming device (i.e., the badges).

Regarding claim 14, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the access point is a pad of a wireless local area network, the transceiver device further including: means for obtaining the data from the first device (i.e., the badges, or attendee) when the first device is in communication with the transceiver device to access the wireless local area network (col. 6, line 60 – col. 7, line 6).

Regarding claim 15, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the means for generating the record associated with the first device includes means for placing the data obtained from the first device in the record and means for placing the input information stored in the editable field in the record (fig. 5, and its descriptions).

Regarding claim 16, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the means for generating the record further includes means for obtaining the input information from the editable field (col. 6, lines 1-45).

Regarding claim 19, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala further discloses wherein the record is created after the indication that the roaming device is within the communications range is received (col. 5, lines 40-67).

Regarding claim 20, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein adding the static information into the record includes reading the static information from the editable field (col. 6, lines 1-45).

Regarding claim 21, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses wherein the static information is information associated with a location of the transceiver device (i.e., the badges information is associated with the booth identification which is a location of the transceiver device).

Regarding claim 23, Kabala and Lewis disclose all limitations recited within claims as described above. Kabala also discloses obtaining the information associated with the roaming device when the indication that the roaming device is within the communications range is received (col. 5, lines 40-67).

Claims 5, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabala (US 6,539,393) in view of Lewis (US 6,259,898), and further in view of Nishino (US 6,233,452 B1).

Regarding claims 5, and 18, Kabala and Lewis disclose all limitations recited within claims as described above, but do not specifically disclose features of these claims.

In a similar endeavor, Nishino discloses a wireless information processing terminal and controlling method. Nishino also discloses wherein the static input information is a location associated with the wireless transceiver device, and the computer code for causing the static input information to be accepted include computer code for causing the static input information to be accepted from a source that is external to the wireless transceiver device (fig. 5, boxes S212 & S214 and its descriptions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of accepting static input from a source that is external to the wireless transceiver device because it is an alternative option to input information.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 6,259,898) in view of Raviv et al. (hereinafter "Raviv", US 2002/0164983).

Regarding claim 29, Lewis discloses a method for utilizing an access point, the access point having a communications range, the method comprising:

receiving static information into an editable field stored in a memory of the access point (memory 34 of access point 19), the static information being information pertaining to the access point;

storing the static information into the editable field (col. 4, lines 29-46);

receiving an indication that a roaming device is within the communication range (col. 3, lines 45-60 teaches or suggests when the roaming device is registering with a given access point);

creating a record after registering the roaming device, the record being arranged to include information associated with the roaming device (i.e., figure 3 illustrates the information associated with the roaming device);

obtaining the static information from the editable field (col. 5, lines 9-25 teaches or suggests to review a look-up table in memory 34 to determine if the roaming device 21 is registered and/or which particular transceiver is assigned to communicate with particular roaming device 21. Also, col. 6, lines 13-25 teaches or suggests whether transceiver 36a or 36b is available in order to assign it to the roaming device 21);

adding the static information into the record; and storing the record in the memory (i.e., to assign the transceiver 36a or 36b and store in the table as illustrated in figure 3. Also see col. 6, lines 26-46).

Lewis, however, does not specifically teach or suggest all other claim limitations.

In a similar endeavor, Raviv discloses a method and apparatus for supporting cellular data communication to roaming mobile telephony devices. Raviv also discloses wherein registering the roaming device includes performing a remote authentication (paragraph 0254).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Lewis in view of Raviv.

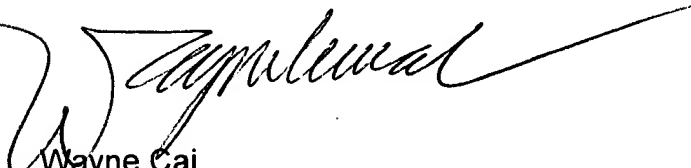
The motivation/suggestion for doing so would have been to effectively verify and provide services to the roaming devices.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday - Thursday from 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Wayne Cai
Art Unit 2617



DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Interview Summary	Application No.	Applicant(s)	
	09/977,112	MERCURIO, GREG	
	Examiner	Art Unit	
	Duc Nguyen	2617	

All participants (applicant, applicant's representative, PTO personnel):

(1) Duc Nguyen. (3)_____.

(2) Gary Aka. (4)_____.

Date of Interview: 29 March 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: n/a.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant has been informed that prosecution is re-opened for this specific application. A non-final office action will be issued in response to the appeal brief.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Notice of References Cited	Application/Control No. 09/977,112	Applicant(s)/Patent Under Reexamination MERCURIO, GREG	
	Examiner Wayne Cai	Art Unit 2617	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2003/0001776	01-2003	Hannah et al.	342/387
*	B	US-6,405,127	06-2002	Doner, John R.	701/207
*	C	US-6,539,393	03-2003	Kabala, Stanley J.	707/102
*	D	US-6,259,898	07-2001	Lewis, Daniel E.	455/103
*	E	US-6,233,452	05-2001	Nishino, Kiyoshi	455/435.2
*	F	US-2002/0164983	11-2002	Raviv et al.	455/432
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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